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State Motortruck Exemptions of Interest to Farmer Cooperatives



Service Report 60 April 1963

Farmer Cooperative Service U. S. Department of Agriculture

FARMER COOPERATIVE SERVICE
U. S. DEPARTMENT OF AGRICULTURE
WASHINGTON 25, D. C.

Joseph G. Knapp, Administrator

The Farmer Cooperative Service conducts research studies and service activities of assistance to farmers in connection with cooperatives engaged in marketing farm products, purchasing farm supplies, and supplying business services. The work of the Service relates to problems of management, organization, policies, financing, merchandising, product quality, costs, efficiency, and membership.

The Service publishes the results of such studies; confers and advises with officials of farmer cooperatives; and works with educational agencies, cooperatives, and others in the dissemination of information relating to cooperative principles and practices.

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SUMMARY

This report includes a State by State listing of agricultural exemptions extracted from State laws and regulations pertaining to intrastate motor-truck operations. The following tabulation shows, by States, whether each exemption applies: 1/

State	Cooperative association	Agricultural commodities	Farm vehicle
Alabama	Yes	Yes	Yes
Alaska	No	No	No
Arizona	No	No	No
Arkansas	Yes	Yes	Yes
California	Yes	No	Yes
Colorado	No	Yes (limited)	Yes
Connecticut	Yes	No	Yes
Delaware	No	No	No
Florida	No	Yes	Yes (limited)
Georgia	No	Yes	Yes
Hawaii	Yes	Yes (limited)	Yes (limited)
Idaho	No	Yes	Yes
Illinois	Yes	Yes	Yes
Indiana	Yes	Yes	Yes
Iowa	No	No	No
Kansas	No	Yes (limited)	Yes
Kentucky	Yes	Yes	Yes
Louisiana	No	Yes	Yes
Maine	Yes	Yes	Yes
Maryland	No	Yes (limited)	Yes
Massachusetts	No	No	Yes (limited)
Michigan	No	Yes	Yes
Minnesota	No	Yes (limited)	Yes (limited)
Mississippi	Yes	Yes	Yes
Missouri	No	Yes (limited)	Yes (limited)
Montana	No	Yes	Yes
Nebraska	No	Yes	Yes (limited)
Nevada	No	No	Yes
New Hampshire	Yes	No	No
New Jersey	No	Yes (limited)	Yes (limited)
New Mexico	No	Yes (limited)	Yes (limited)
New York	Yes	Yes	Yes

1/ Interpretation of these regulations is based on the author's judgment and does not necessarily reflect interpretations that might be made by individual States or others.

State	Cooperative association	Agricultural commodities	Farm vehicle
North Carolina	Yes	Yes	Yes
North Dakota	Yes	Yes (limited)	Yes (limited)
Ohio	No	Yes	Yes
Oklahoma	No	No	Yes
Oregon	No	No	Yes
Pennsylvania	Yes	Yes	Yes
Rhode Island	Yes	Yes (limited)	Yes
South Carolina	No	Yes (limited)	Yes
South Dakota	No	Yes (limited)	Yes
Tennessee	No	Yes (limited)	Yes (limited)
Texas	No	No	Yes
Utah	Yes	Yes (limited)	Yes (limited)
Vermont	No	No	No
Virginia	Yes	Yes	Yes (limited)
Washington	No	No	Yes
West Virginia	No	Yes (limited)	Yes (limited)
Wisconsin	No	Yes (limited)	Yes (limited)
Wyoming	No	No	Yes
Totals			
Yes	18	19	30
Yes (limited)	0	16	14
No	32	15	6

STATE MOTORTRUCK EXEMPTIONS OF INTEREST TO FARMER COOPERATIVES

By

William C. Bowser, Jr.
Transportation Branch
Management Services Division

Motor vehicles controlled and operated by farmer cooperatives in interstate commerce are exempt, by law, from economic regulation by the Interstate Commerce Commission. Farmer cooperatives are generally familiar with this limited exemption in the Interstate Commerce Act, as amended.

Considerably less well known are the provisions contained in the various State motor vehicle laws concerning the exempt status of farmer cooperative motortruck operations in intrastate commerce. Yet, a large part of the estimated 33,000 motortrucks owned or controlled by farmer cooperatives operate in local and intrastate service. ^{2/}

Farmer Cooperative Service, in answer to requests from individual cooperatives, compiled, for this publication, a summary of State motor vehicle statutes pertaining to exemptions of particular interest to farmer cooperatives and to agriculture generally. The information should be helpful to cooperative managements in increasing efficiency of their intrastate motortruck operations.

While State regulations on motortruck operations of farmer cooperatives were the primary concern of this report, those regulations applicable to agricultural commodity transportation and farm vehicles also affect motortruck operations of cooperatives, directly or indirectly, and were included as part of the study.

The Interstate Commerce Act, as amended, in Part II, includes three limited exemptions applicable to interstate motortruck transportation of interest to shippers of agricultural commodities and receivers of farm supplies. They are shown here for comparative purposes. Two of the exemptions -- for farm vehicles and cooperative associations -- provide that such operations shall not be subject to regulation by the Interstate Commerce Commission with the following three exceptions: maximum hours of service and qualifications of employees, equipment standards, and vehicle safety regulations.

NOTE: The author wishes to express his appreciation to John F. Donoghue, Office of the General Counsel, U.S.D.A., for checking State statutes cited and reviewing findings of the study.

^{2/} According to FCS General Report #109, "Motortruck Operations of Farmer Cooperatives," 72 percent of total truck mileage of farmer cooperatives consists of local pick-up and delivery and movements from fields to local concentration points.

The third type, the agricultural commodity carrier, is subject to the preceding three regulations plus commodity restrictions.

These three exemptions, in the Interstate Commerce Act, as amended, follow:

1. Farm Vehicles. -- Motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural (including horticultural) commodities and products thereof, or in the transportation of supplies to his farm. (Sec. 203(b)(4a) of Motor Carrier Act; 49 U.S.C. 303(b)(4a)).
2. Cooperative Association. -- Motor vehicles controlled and operated by a cooperative association as defined in the Agricultural Marketing Act of 1929, as amended, (12 U.S.C. 1141 (j)) or by a federation of such cooperative associations if such federation possesses no greater powers or purposes than cooperative associations so defined. (Sec. 203(b)(5) of Motor Carrier Act; 49 U.S.C. 303(b)(5)).
3. Agricultural Commodities. -- Motor vehicles used in carrying property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation: Provided, That the words "property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof)" as used herein shall include property shown as "Exempt" in the "Commodity List" incorporated in ruling numbered 107, March 19, 1958, Bureau of Motor Carriers, Interstate Commerce Commission, but shall not include property shown therein as "Not Exempt": Provided further, however, That notwithstanding the preceding proviso the words "property consisting of ordinary livestock, fish (including shell fish), or agricultural (including horticultural) commodities (not including manufactured products thereof)" shall not be deemed to include frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, or hemp, and wool imported from any foreign country, wool tops and noils, or wool waste (carded, spun, woven, or knitted), and shall be deemed to include cooked or uncooked (including breaded) fish or shell fish when frozen or fresh (but not including fish and shell fish which have been treated for preserving, such as canned, smoked, pickled, spiced, corned or kippered products); (Sec. 203(b)(6) of Motor Carrier Act; 49 U.S.C. 303(b)(6)).

Many state regulations pertaining to motortruck transportation in these three areas of exemption are patterned after the Federal regulations in the Interstate Commerce Act as just shown. While all States have prescribed certain rules and regulations on motor vehicle operations within their boundaries, several do not include provisions for one or more of the agricultural exemptions.

The information contained in this report is based on available published material, such as State motor vehicle laws or reports of State Public Utility Commissions, or their counterpart. State by State summaries shown are taken directly from these sources.

The tables of exemptions, by States, included in the summary and in the text are based on the author's interpretation of the rules and regulations as shown in this report and do not necessarily reflect interpretations that might be made by individual States or others.

STATE REGULATIONS ON INTRASTATE MOTORTRUCK OPERATIONS

Following is a State by State listing of rules and regulations pertaining to intrastate motortruck operations of interest to farmer cooperatives and to agriculture generally. Regulations shown were extracted, verbatim, from State motor vehicle laws or reports of State Public Utility Commissions or their counterparts.

Alabama

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | Yes |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

Article 3. Section 301(2). Application of article.--This article shall not be construed to apply to:

* * *

A. (3)..... also motor vehicles if engaged in hauling milk, livestock, coal, logs, lumber, poles, pulpwood, cotton in bales, cottonseed, fertilizer, peanuts, potatoes, or any other agricultural commodity of any kind (but not manufactured products thereof); or motor vehicles hauling road materials and paid by the state of Alabama, for a distance not exceeding 25 miles; and motor vehicles used exclusively in the transportation of milk in thermal or artificially cooled bodies or containers; except that this subsection shall not be construed to exempt from the provisions of the Mileage Tax Act, as amended,

sections 301(33)-301(51) of this title, any motor carrier who operates under certificate or permit granted under the authority of the Alabama public service commission. All motor vehicles hauling property for hire and which are in any respect exempt under subsection A(3) of this section, must before transporting any exempt property, secure a permit from the department of revenue of the state of Alabama, which permit may be furnished without cost upon proper application, where there are no legal objections thereto. And such permit shall be issued under reasonable rules and regulations promulgated by the department of revenue of the state of Alabama.

* * *

D. Motor vehicles controlled and operated by any farmer while used in the transportation of agricultural commodities and products thereof, whether for himself or another farmer, or in the transportation of supplies to or from the farm.

E. Motor vehicles controlled and operated by a bona fide cooperative association as defined by the General Agricultural Marketing Act, approved June 15, 1929, as amended, or organized or existing under any state cooperative marketing act, while used exclusively in the conduct of the business of such association.

* * *

G. Motor vehicles owned by a farmer used occasionally in transporting household goods and furniture.

Source: Alabama Motor Vehicle and Other Laws, 1958, pages 146-147.

Alaska

Exemptions:

- | | |
|----------------------------|----|
| . Cooperative association | No |
| . Agricultural commodities | No |
| . Farm vehicle | No |

Note: The Motor Vehicle Laws of Alaska do not provide for any agricultural exemptions, as such, from economic regulation.

Arizona

Exemptions:

- . Cooperative association No
- . Agricultural commodities No
- . Farm vehicle No

Note: The Motor Vehicle Laws of Arizona do not provide for any agricultural exemptions, as such, from economic regulation.

Arkansas

Exemptions:

- . Cooperative association Yes
- . Agricultural commodities Yes
- . Farm vehicle Yes

Section 5(b). Nothing in this Act shall be construed to include:

(1). Motor vehicle employed solely in transporting school children and teachers to or from school and motor vehicles used in carrying set-up houses, ordinary livestock, unprocessed fish, including shell-fish, unprocessed agricultural commodities, baled cotton, cottonseed, cottonseed meal, cottonseed hulls, cottonseed cake, soybean meal, commercial fertilizer, not including the component parts used in the manufacture thereof, except for-hire carriers of such exempt commodities shall be subject to safety of operation and equipment standards provisions prescribed or hereafter prescribed by the Commission and shall file with the Commission evidence of security for the protection of the public in the same amount and to the same extent as non-exempt carriers as provided in Section 15 of this Act.

* * *

(7). Motor vehicles controlled and operated by an agricultural cooperative association as defined in Chapters 9 and 10, Arkansas Statutes (1947) Sections 77-901 to 77-1027, inclusive, or any similar Act of another State or by the U. S. Agricultural Marketing Act, as amended, or by a federation of such cooperative associations, if such federation possesses no greater powers or purposes than cooperative associations so defined.

Source: Arkansas Motor Carrier Act and Rules of Practice and Procedure, July 1, 1958, pages 6 - 8.

California

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | Yes |
| . Agricultural commodities | No |
| . Farm vehicle | Yes |

Division 1, Regulation of Public Utilities

Chapter 4, Regulation of Public Utilities

Section 726. . . . It is the policy of the State in rate making to be pursued by the commission to establish such rates as will promote the freedom of movement by carriers of agricultural commodities, including livestock, at the lowest lawful rates compatible with the maintenance of adequate transportation service.

* * *

Division 2, Regulation of Related Businesses by the Public Utilities
Commission

Chapter 1, Highway Carriers

* * *

Section 3511. . . . "Highway Carrier" means every corporation or person . . . engaged in transportation of property for compensation or hire as a business over any public highway in this State by means of a motor vehicle, except that "highway carrier" does not include:

* * *

(b). Any farmer resident of this State who occasionally transports from the place of production to a warehouse, regular market, place of storage, or place of shipment the farm products of neighboring farmers in exchange for like services or for a cash consideration or farm products for compensation.

* * *

(d). Any farmer operating a motor vehicle used exclusively in the transportation of his livestock and agricultural commodities or in the transportation of supplies to his farm.

(e). Any nonprofit agricultural cooperative association organized and acting within the scope of its powers under Chapter 4, Division 6, of the Agricultural Code to the extent only that it is engaged in transporting its own property or the property of its members.

Source: West's Annotated California Codes, Public Utilities Code

Colorado

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes |

Article 9. Motor Vehicle Carriers. Section 115-9-4. Certificate required:

* * *

The commission may, at its discretion, issue a temporary certificate declaring that the present or future public convenience and necessity requires, or will require, the temporary or seasonal operation of a motor vehicle for the purpose of transporting unprocessed agricultural produce to market or place of storage during a period to be determined by the commission, but such period shall not be longer than ninety consecutive days in any one calendar year.

* * *

Section 115-9-25.

* * *

Nothing in this article shall be construed as prohibiting the intermittent transportation of farm products to market or supplies to the farm by any person chiefly engaged in farming, or to the transportation of children to and from school.

Article 10. Commercial Carriers. Section 115-10-32.

Exemptions. Nothing in sections 115-10-23 to 115-10-36 shall be construed so as to apply to or prohibit the transportation of farm products or livestock to market by any farmer or producer when selling or delivering only such farm products or livestock as shall have been actually grown or produced by such farmer or producer, nor to the transportation by such farmer or producer of supplies to the farm for his own use, provided such farm

products, livestock or supplies are transported in a motor vehicle or vehicles belonging to any such farmer or producer.... Nothing in sections 115-10-23 to 115-10-36 shall be construed as preventing a farmer from occasionally exchanging transportation work with a neighbor.

* * *

Article 11. Private Motor Carriers. Section 115-11-22

Carriers Exempted. Nothing in this article shall be construed as prohibiting the transportation of farm produce to market or supplies to the farm or to the vicinity of the farm by any person chiefly engaged in farming, or to the transportation of children to and from school.

Source: Colorado Revised Statutes, 1953, Motor Vehicle Carrier Act.

Connecticut

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | Yes |
| . Agricultural commodities | No |
| . Farm vehicle | Yes |

Chapter 285. Motor Carriers of Property for Hire.

Section 16-282. Exceptions.

* * *

There shall also be excluded from the provisions of this chapter motor vehicles when used exclusively for the transportation of newspapers or fertilizers and tree or plant spraying materials; also motor vehicles operated by any farmer and used in the transportation of his agricultural commodities or livestock or the products of either, or in the transportation of supplies to or from his farm; also motor vehicles operated by any farmer or group of farmers for their mutual convenience and, when used exclusively in the transportation of their agricultural commodities, or products thereof, or in the transportation of supplies to or from their farms; also motor vehicles controlled and operated by a cooperative marketing corporation, organized and operating under chapter 596 engaged in transporting agricultural commodities, if such motor vehicles are not used in carrying any other property or passengers for compensation. . . .

Source: General Statutes of Connecticut: Compilation of Statutes Pertaining to Public Service Companies and Motor Carriers, 1957, State of Connecticut, Public Utilities Commission, page 62.

Delaware

Exemptions:

- . Cooperative association No
- . Agricultural commodities No
- . Farm vehicle No

Note: The Motor Vehicle Laws of Delaware do not provide for any agricultural exemptions, as such, from economic regulation.

Florida

Exemptions:

- . Cooperative association No
- . Agricultural commodities Yes
- . Farm vehicle Yes (limited)

Section 323.29. Exemptions from provisions of this chapter:

(1). . . . motor vehicles while engaged exclusively in transporting goods, wares, merchandise, horticultural, agricultural, or logs, lumber or other forest products, fish, oysters and shrimp, and dairy products, from the point of production to the point of primary manufacture, or from the point of production to the point of assembling the same, or from either such point of production, primary manufacture or assembling to a shipping point of either a rail, water or motor transportation company, usually and generally serving the territory in which said production, manufacture or assembling takes place.

* * *

There shall be further exempted from the provisions of this chapter and from commission jurisdiction and control, motor vehicles used exclusively in transporting agricultural or horticultural products, supplies and materials, including fertilizers and sprays, when delivered direct to the growers or consumers, or to an association of such growers or consumers.

* * *

(3)(a). Motor vehicles used exclusively in transporting ice for use in the packing of agricultural or horticultural commodities for further shipment.

Source: Auto Transportation Companies, Chapter 323, Florida Statutes, 1957, pages 1375-6.

Georgia

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

Chapter 68-5. Motor Contract Carriers. Section 68-502:

(c). . . . Provided, that the term "motor carrier" shall not include and this Chapter shall not apply to:

(1). . . . cars and trucks hauling people and farm products exclusively between points not having railroad facilities, and not passing through or beyond municipalities having railroad facilities, where not more than seven passengers and/or one and one-half tons of freight are transported.

(2). Motor vehicles engaged exclusively in the transportation of agricultural and/or dairy products between any of the following points: farm, market, gin, warehouse, or mill, where the weight of the load does not exceed 18,850 pounds, whether such motor vehicle is owned by the owner or producer of such agricultural or dairy products or not, so long as the title remains in the producer. The word "producer" shall include a landlord where the relations of landlord and tenant or landlord and cropper are involved. The phrase "agricultural products" shall include fruit, livestock, meats, fertilizer, wood, lumber, cotton, and naval stores, household goods and supplies transported to farms for farm purposes, and/or other usual farm and dairy supplies, and including products of grove and/or orchard, and also poultry and eggs, and also fish and oysters, and timber and/or logs being hauled by the owner thereof, or his agents and/or employees between forest and mill or primary place of manufacture. Motor vehicles used by country merchants in rural districts who handle poultry and farm products, in pursuance of their own business, and not for hire.

(2a). Motor vehicles engaged in the transportation of peanuts in the shell and peaches, or dry fertilizer, whether such motor vehicle is owned by the producer or owner of such peanuts and peaches or by any other person: Provided, such vehicles do not haul or transport other commodities not exempt by law from the regulations of the Public Service Commission.

Source: Georgia Code Annotated, Motor Carrier Rules and Safety Regulations, issued June 1, 1958, Georgia Public Service Commission, pages 109-110.

Hawaii

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | Yes |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes (limited) |

Chapter 106C. Motor Carrier Law. Section 106C-5. Exemptions.

* * *

(e). Nonprofit agricultural cooperative associations to the extent that they engage in the transportation of their own property or the property of their members.

* * *

(i). Farmers who infrequently transport from the place of production to a warehouse, regular market, place of storage, or place of shipment, the farm products of neighboring farmers in exchange for like or reciprocal services, for farm products, or for a cash consideration not exceeding \$1,500 per year, and provided that such transportation shall constitute the sole transportation of property for hire or compensation of such farmers.

* * *

(l). Persons transporting unprocessed pineapples to a cannery and returning any containers used in such transportation to the fields.

(m). Sugar plantations transporting sugar cane, raw sugar, molasses, sugar by products and farming supplies for neighboring farmers pursuant to contracts administered by the U. S. Department of Agriculture.

Source: Hawaii Motor Carrier Act. A Bill for an Act Relating to Commercial Motor Vehicles, Their Economic Regulation, Safety, Equipping, and Inspection Therefor. H.B. No. 34, approved June 2, 1961, pages 4, 5, and 6.

Idaho

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

Chapter 8. Motor Carrier Act. Section 61-801.

* * *

(k). Nothing in this act shall be construed to include . . .

(4)...motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm; . . .

* * *

(10). private carriers primarily engaged in transportation of products of agriculture between the farm and the first point of storage or processing plants . . .

Source: Idaho Public Utility Laws, Title 61, Idaho Code, revised through 1959, page 104.

Illinois

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | Yes |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

The Illinois Motor Carrier of Property Act

Section 3. Exemptions. This Act shall not apply to:

* * *

(b). Motor vehicles controlled and operated by a cooperative association as defined in "The Agricultural Cooperative Act," approved June 21, 1923, as amended.

(c). The transportation of farm or dairy products, livestock, poultry, fruits, and agricultural products, by the producer thereof or by him on behalf of other such producers where such transportation is merely an incident to the principal business or occupation of farming, or livestock raising.

(d). Motor vehicles owned, controlled and operated by any farmer in the transportation of agricultural and dairy products while owned by the producer of the products, including landlord and tenant, from farm to a market, warehouse, dairy or shipping terminal, or for the transportation of agricultural products, livestock, poultry, eggs, machinery, materials and supplies essential to farm operation from market or shipping point to farm or from one farm

to another farm, or the transportation of livestock, poultry, fruits and agricultural and dairy products from a farm to a regularly organized fair or exhibit, and return.

(e). Farm tractors or any other agricultural machinery self-propelled or transporting or drawing agricultural implements on the public highways or used primarily in agricultural pursuits, or farm wagons or farm trailers, pulled by farm tractors, or any other agricultural machinery used primarily in agricultural pursuits.

(f). The reciprocal, casual, or occasional transportation for-hire of property by any person who is regularly engaged in business other than the business of transporting property of others for hire.

(g). Motor vehicle while being used for the transportation of agricultural supplies, livestock, agricultural products or commodities.

* * *

(i). Transportation for hire of any seasonal, fresh, perishable fruit or vegetable from farm to the point of first processing.

Source: Illinois Laws Relating to Motor Vehicles, 1959, pages 204-5.

Indiana

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | Yes |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

Chapter 287. Motor Carrier Law

Section 3. Exemptions. The provisions of this act shall not apply:

* * *

(f). Notwithstanding any other provisions of any other law this act shall not apply to motor vehicles when transporting supplies when such supplies, fertilizer or fertilizing materials are in transit to or from farms.

(g). To motor vehicles controlled and operated by any farmer when used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm; or to motor vehicles controlled and operated by any non-profit cooperative association, or by a federation of such cooperative associations, if such federation possesses no greater powers or purposes than such cooperative associations; or to

motor vehicles used in carrying property consisting of ordinary livestock or agricultural commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation.

Source: Motor Carrier Law, State of Indiana, and Rules and Regulations of Motor Vehicle Department, pages 2-4.

Iowa

Exemptions:

- | | |
|----------------------------|----|
| . Cooperative association | No |
| . Agricultural commodities | No |
| . Farm vehicle | No |

Note: The Motor Vehicle Laws of Iowa do not provide for any agricultural exemptions, as such, from economic regulation.

Kansas

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes |

Chapter 66. Public Utilities.

Regulation of Motor Carriers of Persons and Property.

* * *

Section 66-1, 109. Motor carriers not affected. This act shall not apply to:

* * *

(c). The owner of livestock or producer of farm products transporting his livestock or farm products to market in his own motor vehicle, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for his own use in his own motor vehicle, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment;

* * *

(h). Persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed fifty (50) miles;

* * *

(1). Motor vehicles used to transport water for domestic purposes or livestock consumption;

* * *

Section 66-1, 138. Certain vehicles exempt from 66-1,139 and 66-1,140. Sections 66-1,139 and 66-1,140 of the General Statutes Supplement of 1955 as amended shall not apply to any truck, truck tractor or passenger vehicle used in operations exempt under the provisions of section 66-1,109 of the General Statutes Supplement of 1955 and any amendments thereto.

Source: 1961 Supplement to General Statutes of Kansas, Annotated.

Kentucky

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | Yes |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

Chapter 281. Motor Carrier Law

281.605. Exemption of motor vehicles used for certain purposes. (1) The provisions of this chapter shall not apply, except as to the safety regulations, to:

* * *

(b). Motor vehicles, regardless of ownership, used exclusively:

1. For the transportation of agricultural and dairy products, including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry and eggs, while owned by the producer of the products, including landlord where the relation of landlord and tenant or landlord and cropper is involved, from the farm to a market, warehouse, dairy or mill, or from one market, warehouse, dairy or mill to another market, warehouse, dairy or mill; or

2. For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm; or
3. For both the purposes described in subparagraphs 1. and 2. of this paragraph; or
4. For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return;

* * *

(e). Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members where the vehicle is owned or leased exclusively by the association.

Source: Commonwealth of Kentucky, Motor Vehicle Laws 1960, (Departments of Motor Transportation, Public Safety and Revenue) page 74.

Louisiana

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

Exempted operations - R.S. 45, Chapter 4, 172 of 1950

A. Persons engaged in operating:

* * *

5. Vehicles exclusively engaged in:

* * *

(b). The transportation of products of the forests, including logs, moss, ties, stave-bolts, shingles, pulpwood and rough lumber, but not including products manufactured therefrom;

(c). The transportation of agricultural products but not including products manufactured therefrom;

(d). The transportation of fish (including shellfish) and shrimp;

(e). The transportation of livestock;

* * *

B. Motor vehicles operated:

* * *

(3). By bona fide farmers whose principal occupation is tilling the soil and whose transportation activities consist of transporting products of the forest, soil or waters of this state for-hire, charge or compensation to market, for storage or to a place of shipment or manufacture and returning with goods and merchandise for use on their farms.

Source: Digest and Index of Regulation and Procedure, For-hire Transportation by Motor Vehicle - With Quotations and References Relating to the Law, Rules, Decisions and Interpretations of the Louisiana Public Service Commission, October 1, 1960.

Maine

Exemptions:

- . Cooperative association Yes
- . Agricultural commodities Yes
- . Farm Vehicle Yes

Section 29. Exemptions in re operation of motor vehicles. 1955 Chapter 331.

I. Exemptions. There shall be exempted from the provisions of sections 20 to 28, inclusive, the operation over the highways of motor vehicles:

* * *

D. While engaged exclusively in the transportation of fresh fruits and fresh vegetables from farms to canneries or quick freezing plants, place of storage or place of shipment, or the products of vining and cutting plants to canneries or quick freezing plants, during the harvesting season;

E. While engaged exclusively in the hauling of wood, pulpwood, logs or sawed lumber from the wood lot or forest area where cut or sawed to points within 100 miles thereof, by highway, or while hauling, within said distance, horses , crew, equipment and supplies to or from such wood lot or forest area;

F. While engaged exclusively in the transportation of livestock for exhibition purposes, excluding race horses, to and from agricultural fairs and exhibits;

G. While engaged exclusively in the hauling of milk and cream to receiving stations from points within a distance of 25 miles by highway from them;

H. Of any bona fide agricultural cooperative association transporting property exclusively for the members of such association on a non-profit basis, or of any independent contractor transporting property exclusively for such association;

I. Of any independent contractor while engaged exclusively in the transportation of seed, feed, fertilizer and livestock for one or more owners or operators of farms directly from the place of purchase of said seed, feed, fertilizer and livestock by said owners or operators of said farms to said farms, or in the transportation of agricultural products for one or more owners or operators of farms directly from the farm on which said agricultural products were grown to place of storage or place of shipment within 60 miles by highway of said farm. Nothing under the provisions of sections 19 to 32, inclusive, shall apply to persons, firms or corporations operating motor vehicles carrying property of which they are the actual and bona fide owners, if such ownership is in pursuance of a primary business, other than the transportation business, of such persons, firms or corporations.

J. While engaged exclusively in the transportation of Christmas trees, wreaths and greens.

Source: Laws Governing Motor Carriers of Property For Hire -- Rules and Regulations Governing the Operation of Motor Carriers of Property and Lessors of Motor Vehicles thereto. - 1956, State of Maine, Public Utilities Commission, pages 11-13.

Maryland

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes |

Section 32. Permits required.

(a-1). . . . With the exceptions enumerated in subsection (b) of this section, no motor vehicle shall be used in the public intra-state transportation for hire, or in any transportation for hire on regular schedules and between fixed termini. . . without a permit from the Commission . . .

* * *

(b). . . . No such permit, however, shall be required for the following:

* * *

(2). Any motor vehicle used exclusively for hauling milk to cooling stations or freight platforms in the counties.

* * *

(4). Any motor vehicle of any farmer or person having a general hauler's license, used by such person to haul farm products (other than milk) for his neighbors, where such hauling constitutes the first movement of said products from farm to market, and (except in case of transportation of seasonal product) is not on a regular schedule.

Source: Annotated Code of Maryland, Article 78, Public Service Commission Law.

Massachusetts

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | No |
| . Farm vehicle | Yes (limited) |

Section 2. Definitions.

The following words and phrases as used in this chapter shall have the following meanings, unless the context clearly requires otherwise: "Agricultural carrier by motor vehicle", any person whose principal business is agriculture, who owns or occupies lands used for the production of agricultural products, and who transports by motor vehicle for compensation over irregular routes between points within the commonwealth agricultural products from any lands so used, and materials and supplies to any such lands for use for agricultural purposes.

Section 15A. Agricultural Carrier by Motor Vehicle.

No person shall engage in the business of an agricultural carrier by motor vehicle unless there is in effect with respect to such carrier an agricultural carrier's permit issued by the department. Each application for such a permit shall be in writing in such form and contain such information as the department may require and be verified by oath or written declaration that it is made under the penalties of perjury. Upon the filing of such an application the department shall hold a hearing, with or without the notice required by paragraph (b) of section three, and if it finds that the applicant is fit, willing and able to provide the services proposed and otherwise to conform to this chapter and the lawful requirements,

orders, rules and regulations of the department thereunder, may issue an agricultural carrier's permit to the applicant, upon the filing of a schedule of rates and charges acceptable to the department; otherwise, such application shall be denied. The department shall specify in the permit the operations covered thereby at the time of issuance and from time to time thereafter shall attach to it such terms and conditions, not inconsistent with the status of the holder as an agricultural carrier, as the public interest may require. A suitable distinguishing plate shall be prescribed and furnished by the department annually for each of the vehicles necessary for the conduct of the business of the holder of the permit. Section nine shall apply to such plates except that the annual charge for each such plate shall be one dollar.

Source: Annotated Laws of Massachusetts, Chapter 159 B, Carriers of Property by Motor Vehicle.

Michigan

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

Article V.

479.2 Exemptions from act. Section 2. This act shall not apply to:

* * *

(e). Vehicles used for the transportation of farm products, including livestock when transported by others than the owner, from the farm to the market in the raw state, or used for the transportation of milk from the farm to milk stations, or trucks owned by a farmer bearing a farm truck license, when being used by such farmer in hauling farm produce, livestock, and/or farm equipment, and supplies for other farmers for remuneration in kind or in labor, but not for money;

(f). Vehicles used for the transportation of fruits, green vegetables, and sugar beets from farm or orchard to market or for transferring or reloading such farm produce for other markets either local or foreign: Provided, That nothing contained in this subsection shall be deemed to exempt the transportation of such produce in other than the raw state;

(g). Vehicles used for occasional accommodative transportation service including seasonal transportation of perishable commodities even though the cost of such accommodative service and seasonal transportation of perishable

commodities may be paid by the person or persons so accommodated;

(h). . . . vehicles used for the transportation of pulpwood and logs, when such vehicles are being used to move such commodities from a forest, wood lot or cutting site to a market or railroad siding, not exceeding a distance of 100 miles from the place where the vehicle is loaded.

Source: Motor Carrier Rules and Regulations Established by the Michigan Public Service Commission....Effective November 21, 1957, page 55.

Minnesota

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes (limited) |

Section 221.011. Definitions.

For the purposes of sections 221.011-221.291, unless the context otherwise requires:

* * *

8. "Regular Route Common Carrier" means any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle between fixed termini over a regular route upon the public highways passengers or property but shall not include persons while engaged exclusively in the transportation of children to or from school; or persons while engaged exclusively in farming or in transporting agricultural, horticultural, dairy or farm products from farms to primary markets;

* * *

13. "Permit Carrier" means every carrier embraced within the provisions of this chapter other than regular route common carriers and petroleum carriers. The term "Permit Carrier" shall not apply to a person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of his farm, nor shall the term "Permit Carrier" apply to any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning or packing season, nor shall this term apply to a manufacturer, producer, dealer or distributor who, in the pursuit of his own business, owns and uses trucks for the purpose of transporting his own products, nor to any person while engaged exclusively in the transportation of pulpwood, cord

wood, mining timber, poles and posts from the place where the products are produced to the point where they are to be used or shipped.

* * *

21. "Exempt Carrier" means any carrier exempt from Minnesota Statutes 1957, Chapter 221, or from any other law or regulation by the railroad and warehouse commission. The following are so exempt:

(a). Any person engaged in farming or in transporting agricultural, horticultural, dairy, livestock, or other farm products within an area having a twenty-five (25) mile radius from his home post office. Such carrier may transport other commodities within such area if the destination of each haul is a farm within the above described area. The owner of any truck operating under this provision shall imprint his name and address in prominent visible letters on the outside of the cab of his truck.

(b). Any occasional accommodation service beyond the 25-mile radius from his home post office by any person engaged in farming as his primary means of livelihood and actually residing on a farm and whose truck or trucks are licensed under provisions of Minnesota Statutes, Section 168.013, Subdivision 1, Paragraph 4a. Occasional accommodation service shall mean not in excess of six trips in any calendar year.

* * *

Section 221.111. Permits to other motor carriers

All motor carriers other than the regular route common carriers and petroleum carriers shall obtain a permit from the Railroad and Warehouse Commission, including irregular route, livestock, contract and charter carriers, and regular route common carriers and petroleum carriers engaged exclusively in interstate transportation.

* * *

Section 221.121. Application; hearing; issuance; renewal

Subdivision 1. Permit carriers. Any person desiring to operate hereunder as a permit carrier, except as a livestock carrier, shall file a petition with the commission. . . .

Subdivision 2. Livestock carriers. Any person desiring to operate hereunder as a livestock carrier shall file an application with the commission specifying the kind of permit desired, the name and address of the applicant, and the names and addresses of the officers, if a corporation, and such other information as the commission may require.

The commission shall issue the permit upon compliance with all laws and

regulations relating thereto unless it finds that applicant's vehicles do not meet the safety standards set up by the commission or that applicant is not fit and able to conduct the proposed operations. All permits issued hereunder shall be renewed upon compliance with the provisions of this act and the rules of the commission.

Source: Minnesota Statutes Annotated, Chapter 221. Motor Vehicle Carriers; Pipeline Carriers; For Hire; Regulation.

Mississippi

Exemptions:

- . Cooperative association Yes
- . Agricultural commodities Yes
- . Farm vehicle Yes

7635. Exceptions. The term "motor carrier," as defined in this act, shall not include:

(a). . . . motor vehicles used for transporting farm products . . . and motor vehicles used for transporting workers to and from any factory, railroad shops, mill or agricultural enterprise located in this state.

* * *

(d). Motor vehicles owned, leased, used, controlled, and/or operated by any farmer or group of farmers or any legally incorporated farmer owned and controlled cooperative association while engaged in the transportation of his, their or its agricultural commodities and products thereof, or in the transportation of supplies to his or their farm, or farms, or the farms of the members of such association. Supplies as used in this subsection shall include fertilizer, farm machinery, and household goods.

* * *

(f). Motor vehicles when used exclusively in carrying fruit, livestock, poultry products, buttermilk, fresh milk and cream, butter and cheese, pecans in shells, tung nuts, soybeans and other small grains, soybean meal, cotton, cottonseed, cottonseed meal, cottonseed hulls, forest products (including pulpwood and dressed lumber, but not including plywood, veneer or other manufactured products thereof), naval stores (but not including manufactured products thereof), and other agricultural and horticultural commodities (but not including manufactured products thereof). "Other agricultural and horticultural commodities" shall include household goods and other supplies transported to and from farms or to and from dairies for farm or dairy purposes.

(g). Motor vehicles engaged in hauling fertilizer, feed and insecticides, in bags or containers, to dealers, farms or dairies.

(h). Motor vehicles engaged in hauling fertilizer, feed and insecticides in bulk, when being transported to dealers, farms or dairies for farm or dairy purposes.

Source: Motor Carrier Regulatory Act - 1938, As amended, issued by the Mississippi Public Service Commission, pages 39, 40. Mississippi Code 1942.

Missouri

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes (limited) |

Section 390.030. Vehicles exempted:

* * *

4. Motor vehicles while being used exclusively to transport --

- (a). Stocker and feeder livestock from farm to farm, or from market to farm;
- (b). Farm or dairy products including livestock from a farm or dairy to a creamery, warehouse or other original storage or market;
- (c). Agricultural limestone or fertilizer to farms; or,
- (d). Property from farm to farm.

Source: Missouri Bus and Truck Law, General Order No. 33-C, as revised, ... effective July 29, 1952, page 11.

Montana

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

Motor Carrier Act, (Chapter 310, Political Code of Montana, 1935).

Section 3487.1 (8-101) Definition of Terms.

* * *

(h). . . . provided that nothing in this act shall be construed as affecting motor vehicles used in carrying property consisting of ordinary livestock or agricultural commodities (not including manufactured products thereof), if such motor vehicles are not used in carrying any other property, or passengers, for compensation. . .

Source: State of Montana Laws, Rules and Regulations Governing Motor Vehicle Carriers, General Order M. V. No. 11, effective July 15, 1949, page 4.

* * *

Nebraska

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes (limited) |

75-224. Motor carriers; scope of law. The provisions of 75-222 to 75-250 shall apply to the transportation of passengers or property by motor carriers for hire engaged in intrastate commerce except:

* * *

(5). To ranch, dairy, or farm products, including livestock, being transported by motor vehicle from or to any ranch, dairy, farm feed lot or any market;

(6). To supplies or merchandise being transported by motor vehicle from or to any ranch, dairy, feed lot or farm for use thereon when originating at or destined to a neighboring trading point or points;

* * *

(12). To motor vehicles, owned and operated by farmers or ranchers, when hauling gravel or other road building material by agreement with the county board of the county in which their farms or ranches are situated for use upon the public roads within such county, and where the compensation for the use of such motor vehicles shall not exceed the reimbursement for the motor vehicle fuel used doing such hauling.

Source: Revised Statutes of Nebraska, Chapter 75, Railway Commission, State Article 2, Jurisdiction, Etc.

Nevada

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | No |
| . Farm vehicle | Yes |

Exemptions.

706.670

1. None of the provisions . . . shall apply to:

* * *

(d). The transportation of livestock and farm products to market by the producer thereof, or such producer's employee, or merchandise and supplies for his own use in his own motor vehicle.

Source: State of Nevada Laws Governing the Administration of Motor Vehicle Carriers, 1959, Bulletin No. 2 Revised, page 28.

New Hampshire

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | Yes |
| . Agricultural commodities | No |
| . Farm vehicle | No |

Section 375.4.

Exemptions. There shall be exempted from the provisions of this chapter:

* * *

V. Motor vehicles principally engaged in the transportation of agricultural products, by-products or supplies and owned or operated by cooperative marketing associations organized under the provisions of chapter 301.

Source: New Hampshire Revised Statutes, Annotated, 1955. Motor Carriers of Property.

New Jersey

Exemptions:

- . Cooperative association No
- . Agricultural commodities Yes (limited)
- . Farm vehicle Yes (limited)

Subtitle 1. Motor Vehicle and Traffic Laws

Chapter 1, Section 39-1-1. Terms defined.

"Commercial motor vehicle" includes every type of motor-driven vehicle used for commercial purposes on the highway ... excepting such vehicles as are run only upon rails or tracks and vehicles of the passenger car type used for touring purposes or the carrying of farm products and milk, as the case may be.

Source: Title 39 of the Revised Statutes, Motor Vehicles and Traffic Regulation, New Jersey Department of Law and Public Safety, April 1, 1960, page 1. New Jersey Statutes Annotated.

New Mexico

Exemptions:

- . Cooperative association No
- . Agricultural commodities Yes (limited)
- . Farm vehicle Yes (limited)

Section 64-27-80. Farm Livestock Carrier.

(a). The term "Farm-Livestock Carrier" as used in this act (64-27-80, 64-27-81) shall mean any motor vehicle registered in New Mexico being used in the transportation for hire of a cargo consisting only of one (1) or several of the following: Livestock, farm produce (including but not limited to grains, cotton, cottonseed, vegetables, hay and other farm products), live-stock feed, stock salt, manure, wire, posts, dairy products, and farm or ranch machinery (except tractors weighing more than 15,000 pounds).

(b). After the effective date of this act, no farm-livestock carrier shall be operated for hire on any public highway in this state without first obtaining from the corporation commission a certificate of registration therefor under this act.

(c). A certificate of registration shall be issued for such carriers as a matter of course without hearing, upon proper application being made and filled therefor, and fees paid. The application shall be in writing, be sworn to, and designate the equipment to be used, the area to be served and such other information as the corporation commission may require. The application must be accompanied by a certificate of insurance or some other showing of insurance coverage for public liability and property damage in amounts determined by the corporation commission, this coverage to be comparable to that required of other regulated carriers, and issued by a company authorized to do business in New Mexico.

* * *

(f). The corporation commission shall have power and authority over farm-livestock carriers as to all matters of safety and public liability and property damage insurance, and shall make all necessary rules and regulations in connection therewith and for hearings. Vehicles covered by certificates of registration shall bear a number or other identification prescribed by the commission.

Section 64-27-81. Exemptions from Act.

This act shall not apply to motor vehicles being used in the transportation of, or carrying a cargo consisting exclusively of, unprocessed farm products as a part of harvesting from the place of production to market, or to storage, or to a processing plant.

Source: State of New Mexico, Motor Carrier Act, Rules and Regulations, pages 25, 26, and 29.

New York

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | Yes |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

Article 3-B. Provisions Relating to Motor Carriers Transporting Property for Compensation

Section 63-1. Declaration of policy and delegation of jurisdiction.

* * *

3. Nothing in this article shall be construed to apply to:

* * *

(d). motor vehicles controlled and operated by any farmer, and used in the transportation of his agricultural commodities and products thereof, or in the transportation of supplies to his farm; or

(e). motor vehicles controlled and operated by a cooperative corporation as defined in the cooperative corporations law; or

(f). motor vehicles used exclusively in carrying fertilizer, soil conditioners, agricultural commodities other than manufactured products thereof, including logs, pulpwood, peeled or not peeled, (pasteurized or irradiated milk and fresh or sour cream not to be deemed such manufactured products, or fresh or frozen ducks or duck parts, fish, including among others shellfish, and ordinary livestock, but not including race horses, trotting horses, polo ponies, show horses, and saddle horses not used for agricultural purposes, with their equipment of blankets, saddles, bridles and fittings, or property in either or any of such classes; nothing however in this paragraph shall be deemed to apply to the transportation of milk or cream, whether raw, pasteurized or sour, when transported in tank motor vehicles, except as provided in paragraph (i), and in addition, nothing in this paragraph shall be deemed to apply to frozen, canned or preserved fruits and vegetables and the transportation of such products when so transported shall be subject to the provisions of this article; or

* * *

(i). motor vehicles used in the transportation of milk in farmers' cans or tank directly from the farm where produced or from a collecting platform where milk is assembled from various farms, to a country plant or to a city plant situated within a distance not exceeding one hundred miles from said farms, or from one country plant to another country plant or a city plant situated within a distance not exceeding fifty miles from said country plant of part loads of milk not exceeding fifty per cent of the gallonage capacity of the tank truck after a stop-off in transit to complete the loading of a vehicle partly loaded with milk transported directly from the farm, or motor vehicles used in the transportation of farm tools, implements or machinery, fertilizers or soil conditioners, grains, and feeds for animals and poultry from retail stores to farms situated within a distance not exceeding fifty miles from said retail stores.

* * *

(k). the transportation of agricultural lime and limestone under the agricultural conservation program of the federal government.

Source: State of New York, Public Service Law, Annotated, 1945, Public Service Commission, Albany, New York, pages 96-97.
McKinney's Consolidated Laws of New York, Book 47, Public Service Laws.

North Carolina

Exemptions:

- . Cooperative association Yes
- . Agricultural commodities Yes
- . Farm vehicle Yes

Section 62-121-7. Definitions -- When used in this article, unless the language or context clearly indicate that different meanings are intended:

* * *

(14). "Private carrier" means any person not included in definitions of common carrier or contract carrier, which transports in intrastate commerce in its own vehicle or vehicles property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or when such transportation is purely an incidental adjunct to some other established private business owned and operated by such person other than the transportation for compensation.

* * *

Section 62- 121.8. Exemption from regulations:

(a). Nothing in this article shall be construed to include persons and vehicles engaged in one or more of the following services if not engaged at the time or at other times in the transportation of other property by motor vehicle for compensation:

* * *

(4). Transportation of insecticides, fungicides and the ingredients thereof; transportation of farm, dairy or orchard products from farm, dairy or orchard to warehouse, creamery, or other original storage or market;

(5). Transportation for and under the control of co-operative associations organized and operating under the Federal Agricultural Marketing Act; U.S.C.A., Title 12, Section 1141(j), or under the State Co-operative Marketing Act, chapter 54, subchapter 5, General Statutes of North Carolina 1943, as amended, or for any federation of such co-operative associations; provided, such federation possesses no greater powers or purposes than such cooperative associations;

(6). Transportation of livestock, or fish, including shellfish and shrimp, but not including manufactured products thereof;

* * *

(9). Transportation by a bona fide private carrier, as defined in this article;

Source: General Statutes of North Carolina, Chapter 62, Utilities Commission, Article 6B, Motor Carrier of Property.

North Dakota

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | Yes |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes (limited) |

Chapter 49-18 Motor Carriers. 49-18-01. Definitions.

* * *

4. "Agricultural carrier" shall mean any person, firm, association, or corporation, hauling or transporting for compensation, grain, seed, feed, poultry, livestock, dairy products, and other agricultural products, or farm supplies from the farm where such products are produced, grown, or further processed, to the market, village, or place where such products or supplies are sold, stored, disposed of, purchased or acquired, and the hauling or transporting of such agricultural products or farm supplies from the market, village, or place where the same are purchased or acquired to the farm where the same are to be used, consumed, or further processed. . .

49-18-02. Inapplicability of Provisions of Chapter. The provisions of this chapter shall not apply:

* * *

2. To an association of farmers, owning or controlling a motor vehicle transporting for its farmer members agricultural commodities of all kinds, livestock, and farm supplies from the farms where such commodities are produced, grown or processed to the market, village or place where such commodities are sold, stored or otherwise disposed of, and the transportation of such commodities from the market, village or place where the same are purchased or acquired to the farms where the same are to be used, consumed, or processed; and

3. To the transportation of property for hire or otherwise between the farms and the usual local trading places of the farmer for whom the transportation is performed, or between farms locally.

* * *

49-18-35. Agricultural Carrier; Must Have Permit. No agricultural carrier shall operate any motor vehicle for hire on any public highway in this state without a permit from the commission.

49-18-36. Agricultural Carrier; Fee for Permit. The Commission, upon application, shall issue an agricultural carrier's permit for which the applicant shall pay the sum of twenty-five dollars annually.

49-18-37. Listing Fee for Each Vehicle. Every agricultural carrier, at the time of making application for a permit, and annually thereafter, on April fifteenth of each calendar year, shall pay a fee of fifteen dollars for each vehicle to aid in enforcing the safety regulations contained in this chapter.

49-18-38. Application for Agricultural Carrier Permit; Form. The commission shall prescribe a form of application for an agricultural carrier permit and shall make regulations for the filing thereof. Said application shall contain a statement by the applicant that he will confine the operation of his motor vehicle within the limitations of the definition of an agricultural carrier, and that he consents to be governed by the safety regulations now in force or that hereafter may be enacted or prescribed.

49-18-39. Agricultural Carriers; Exempt From Insurance and Rate Schedule Requirements. An agricultural carrier shall be exempt specifically from making any showing of public convenience and necessity and from any requirements as to insurance and from any schedule as to rates.

Source: Laws, Rules and Regulations Governing Commercial Motor Transportation, State of North Dakota, effective July 1, 1959, pages 1, 2, 12.

Ohio

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | Yes |
| . Farm vehicle | Yes |

Chapter 1921, Motor Transportation Companies.

Section 4921.02. As used in sections 4921.01 to 4921.32, inclusive. . . .

(A) "Motor transportation company," . . . does not include any person, firm, copartnership, voluntary association, joint-stock association, company, or corporation, wherever organized or incorporated:

* * *

(5) Engaged in the transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;

Chapter 4923, Private Motor Carriers.

Section 4923.02. As used in sections 4923.01 to 4923.17 inclusive of the Revised Code:

(A) "Private carrier" or "Contract carrier by motor vehicle". . . does not include any corporation, company, association, joint-stock association, person, firm, or copartnership, their lessees, legal or personal representatives, trustees, or receivers or trustees appointed by any court;

* * *

(6) Engaged in the transportation of farm supplies to the farm or farm products from farm to market;

Source: Chapter 1921, Motor Transportation Companies, and Page's Ohio Revised Code.

Oklahoma

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | No |
| . Farm vehicle | Yes |

Section 161. Definitions -- Classes of Carriers -- Application of Act

* * *

(b) The term "motor carrier" when used in this Act means . . . Provided, however, the provisions of this Act shall not apply to transportation of livestock and farm products in the raw state, including cotton, whether in the seed or ginned, and including cottonseed and baled hay, when any of such commodities moved from farm to market or from market to farm on a vehicle or on vehicles owned and operated by a bona fide farmer not engaged in motor vehicle transportation on a commercial scale. . . .

Source: Oklahoma Statutes Annotated, Title 47, Motor Vehicles, Chapter 56, Motor Carriers, Regulation of Motor Carriers.

Oregon

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | No |
| . Farm vehicle | Yes |

767.030. Nonapplicability of chapter to farm transportation:

(1). This chapter . . . does not apply to a motor vehicle owned by a farmer when used exclusively in any one or more of the following operations.

(a). Transporting his own agricultural commodities, agricultural products or livestock (including the products of such commodities, products or livestock that were packed, processed or manufactured on his farm) that were originally grown or raised by him on his farm, or when used in any transportation which is incidental to the regular operation of his farm, or when used to transport supplies, equipment or materials to his farm that are consumed or used on his farm.

(b). Transporting the perishable raw, or perishable unprocessed, farm produced products of another farmer from the point of production to the primary market if such transportation is immediately necessary to preserve either the quantity or the quality, or both, of such products.

(c). Transporting forest products to his own farm, or transporting for any purpose such products originating on his farm.

(d). Transporting from the farm of another farmer, on an exchange of labor basis or for a nominal consideration, the agricultural commodities, agricultural products or livestock (including the products of such commodities, products or livestock that were packed, processed or manufactured on such farm and those products indicated in paragraph (c). of this subsection) that were originally grown or raised on such farm.

(e). Transporting supplies, equipment or materials to another farmer on an exchange of labor basis or for a nominal consideration if such supplies, equipment or materials are to be used or consumed on the other farmer's farm, or are directly related to the operation of such farm.

(2). As used in this section:

(a). "Farm" includes one or more farms, orchards or ranches, but does not include a tree farm unless part of a farm operation.

(b). "Farmer" means a person who is engaged, either as owner or renter, in a farm operation of a size to reasonably require the use of the motor vehicle or vehicles claimed under the exemption provided by this chapter and Oregon Revised Statutes 481.225, but does not include cooperative corporations or associations organized under Oregon Revised Statutes chapter 62.

(3). As used in this section, "forest products" means forest materials originating on a farm or as an incident to the regular operation of a farm, but piling, poles over 30 inches in circumference at the large end, and logs over eight feet six inches in length, or logs over eight feet six inches but not over 16 feet six inches in length when transported on any

motor vehicle having a gross weight in excess of 16,000 pounds shall not be considered forest products, agricultural commodities or agricultural products within the meaning of this section.

Source: Motor Transportation Code of the State of Oregon, Oregon Revised Statutes, 1959, pages 4-5.

Pennsylvania

Exemptions:

- . Cooperative association Yes
- . Agricultural commodities Yes
- . Farm vehicle Yes

Public Utility Law, Article I,

Section 2. (P 66 P.S. #1102).

(6). "Common Carrier by Motor Vehicle" . . . shall not include . . .

(c). any owner or operator of a farm, transporting agricultural products from, or farm supplies to, such farm, or any independent contractor or cooperative agricultural association hauling agricultural products or farm supplies exclusively for one or more owners or operators of farms;

* * *

(g). transportation of pulpwood or chemical wood from woodlots;

(7). "Contract Carrier by Motor Vehicle" . . . shall not include . . .

(b). any bona fide agricultural cooperative association transporting property exclusively for the members of such association on a nonprofit basis, or any independent contractor hauling exclusively for such association;

(c). any owner or operator of a farm transporting agricultural products from or farm supplies to such farm, or any independent contractor hauling agricultural products or farm supplies, exclusively, for one or more owners or operators of farms; . . .

(g). transportation of pulpwood or chemical wood from woodlots;

Source: Public Utility Law with amendments thereto and Supplementary Acts (issued by Pennsylvania Public Utility Commission), pages 20-22; Purdon's Pennsylvania Statutes Annotated.

Rhode Island

Exemptions:

- . Cooperative association Yes
- . Agricultural commodities Yes (limited)
- . Farm vehicle Yes

Section 39-12-3. Exemption from regulations. There shall be exempted from the provisions of this chapter:

* * *

(3). motor vehicles owned and operated by a co-operative group and used exclusively for the transportation of the property of the co-operative group or its members; ^{3/} (5).motor vehicles used exclusively in the transportation of agricultural commodities or horticultural commodities or products from a farm, or farm supplies to a farm;

^{3/} No clause (4) in this section as enacted.

Source: General Laws of Rhode Island, 1956 (1961 Supp.), Title 39. Public Utilities and Carriers Chapter 12. Motor Carriers of Property.

South Carolina

Exemptions:

- . Cooperative association No
- . Agricultural commodities Yes (limited)
- . Farm vehicle Yes

Chapter 13, Volume 5, Article 1.

Section 58-1404. Chapter not applicable to transportation for certain purposes.

Nothing in articles 1 to 6 of this chapter shall apply to: . . . (3) farmers or dairymen hauling dairy or farm products, (4) any other person engaged in hauling perishable products of the farm or dairy products for hire, (5) or lumber haulers engaged in transporting lumber and logs from the forest to the shipping points in this State. (As amended by Act No. 824 of the Acts of 1956 and Act No. 373 of the Acts of 1957).

Source: South Carolina Motor Vehicle Carrier Law and the General Rules and Regulations Issued Thereunder, Effective February 1, 1959...Page 3.

South Dakota

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes |

44.0401, Definitions.

* * *

(9). . . . Nothing in this Act shall be construed to include or apply to:

* * *

(c). Motor vehicles, trailers, or semi-trailers operated by any farmer when used in the transportation of his livestock, agricultural or horticultural commodities and products thereof or in the transportation of supplies to his farm;

(d). Motor vehicles, trailers, or semi-trailers used in the transportation of corn and other grains as an integral and immediate part of harvesting, threshing or shelling thereof when for delivery from the field to the first point of storage or marketing;

* * *

(g). Motor vehicles, trailers, or semitrailers used in the transportation of agricultural and horticultural commodities, livestock or the products thereof when such vehicles are used as reimbursement in the ordinary exchange of farm work for the delivery of such agricultural commodities to and from a farm;

* * *

44.0422. . . . The term "motor carrier," when used in sections 44.0420 to 44.0432 of SDC 44.04 and amendments thereto . . . shall not be considered within the definition of "motor carriers," to wit:

* * *

(5). When operating a motor vehicle chassis on which is mounted a corn sheller, feed grinder, grain and alfalfa feed mixing machine, haystack mover, sawmill, well drilling equipment, power shovel, ditchdigger, dragline, bulldozer, posthole auger, not used for demonstration or display purposes outside the limits of a municipality; and when operating a truck-

tractor and trailer carrying permanently mounted blowing equipment used solely for the purpose of covering flax straw stacks, and truck-tractors and semitrailers, used exclusively by the owner thereof for the transportation of crawler type dragline or tractor with attachments, used exclusively in the construction of township roads, stockwater dugouts, dams and other soil and water conservation practices on farms and ranches.

* * *

(7). When operating a motor vehicle used by nonresident to haul livestock from without the state to a market within the state and his return.

(8). When operating a motor vehicle owned by a farmer of this state and used by or for the farmer in transporting property for his farming operation.

(9). When operating a motor vehicle by a farmer of this state in transporting farm property from farm to a farm within his vicinity or from local community or market to farm or from farm to a local community or market or in the ordinary exchange of farm work.

* * *

(11). When operating a motor vehicle by or for the owner exclusively used in the transportation of products originating in or produced from logging operations when transporting such products actually produced or owned by the owner of such motor vehicle.

Source: Motor Carriers, South Dakota, 1960, pages 13,14. South Dakota Code 44.04.

Tennessee

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes (limited) |

Section 65-1503. . . . provisions of this chapter, shall not apply to any motor vehicles

* * *

(f). . . . operated for the sole purpose of transporting or delivering milk or milk products from the producer thereof to the purchaser from the producer, or to any motor vehicle used casually, by the owner, to convey perishable farm products or livestock to market;

Source: Tennessee Motor Vehicle Regulatory Acts, December 31, 1956, Chapter 15, Motor Carriers, page 4.

Texas

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | No |
| . Farm vehicle | Yes |

Article 911b. Motor carriers and regulations by Railroad Commission.

Section 1. When used in this Act unless expressly stated otherwise:

* * *

(i). "Specialized motor carrier" means any person owning, controlling, managing, operating, or causing to be operated any motor-propelled vehicle used in transporting, over any public highway in this State, over irregular routes on irregular schedules, for compensation and for the general public with specialized equipment, property requiring specialized equipment in the transportation and handling thereof; provided, that the term "specialized motor carrier" as used in this Act shall not apply to motor vehicles operated exclusively within the incorporated limits of cities or towns; and, provided further, the term "specialized motor carrier" as used herein shall include those carriers who engage or desire to engage exclusively in the transportation of livestock, livestock feedstuff, agricultural products in their natural state, broom corn, grain, farm machinery, timber in its natural state, milk, wool, mohair, or property requiring specialized equipment as that term is hereinafter defined, or any one, or more, of the foregoing commodities.

* * *

Section 1a (1) Provided, however, that the term "Motor Carrier" and the term "Contract Carrier" as defined in the preceding section shall not be held to include:

* * *

(b). Any person transporting farm implements, livestock, livestock feedstuffs, dairy products, horticultural products, floral products, agricultural products, timber in its natural state, or wool and mohair of which such person is the bona fide owner on a vehicle of which he is the bona fide owner to and from the area of production and to and from the market or place of storage thereof; provided, however, if such person (other than

a transportation company) has in his possession under a bona fide consignment contract livestock, wool, mohair, milk and cream, fresh fruits and vegetables, or timber in its natural state under contract, as an incident to a separate, fixed, and established business conducted by him the said possession shall be deemed ownership under this Act.

* * *

(e). Any person transporting fresh iced fish or shellfish from a coastal production landing point to an initial packing or freezing plant located not more than seventy-five miles inland from the coast of Texas regardless of the distance of such initial packing or freezing plant from the coastal production landing point, and regardless of whether or not such person owns said fish or shellfish; provided, however, that such person shall have first filed with the Railroad Commission of Texas certificates of insurance covering each motor vehicle to be used in such transportation with public liability and property damage insurance in the amounts required by the Commission for motor vehicles subject to its regulation.

Source: Texas Motor Carrier Law and Rules Adopted by the Railroad Commission of Texas, issued by Railroad Commission, August 1955.

Utah

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | Yes |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes (limited) |

Section 54-6-12. . . . Except for the provisions of 54-6-17 relative to insurance; 54-6-21, relative to safety regulation; and 54-6-22, relative to accident report, no portion of this act shall apply:

* * *

(c). To motor vehicles when the cargo consists exclusively of livestock, farm, orchard or dairy products which are being transported between farm, orchard or dairy and a market, warehouse, creamery or processing plant; or exclusively of farm or dairy supplies used in or about the farm or dairy, or exclusively of lumber or logs which are being transported from forest to shipping point or market; or

(d). To motor vehicles when owned or operated by any duly organized agricultural cooperative association and used exclusively in the carrying on of its legally authorized nonprofit activities;

Source: Utah Code, Chapter 6, Motor Vehicle Transportation.

Vermont

Exemptions:

- . Cooperative association No
- . Agricultural commodities No
- . Farm vehicle No

Note: The Motor Vehicle Laws of Vermont do not provide for any agricultural exemptions, as such, from economic regulation.

Virginia

Exemptions:

- . Cooperative association Yes
- . Agricultural commodities Yes
- . Farm vehicle Yes (limited)

Chapter 12, Article 1.

Section 56-274. . . . This chapter shall not be construed to include:

* * *

(6). Motor vehicles controlled and operated by a bona fide co-operative association as defined in the Federal Agricultural Marketing Act, approved June fifteenth, nineteen hundred and twenty-nine, as amended, or organized or existing under chapter 15 of Title 13 *** of this Code, while used exclusively in the conduct of the business of such association;

(7). Motor vehicles while used exclusively in carrying livestock, poultry, poultry products, buttermilk, fresh milk and cream, meats, butter and cheese produced on the farm, fish (including shellfish), slate, horticultural or agricultural commodities (not including manufactured products thereof), and forest products, including lumber and staves (but not including manufactured products thereof), or in the transportation of farm supplies being delivered to a farm or farms;

* * *

Section 56-275.1. What acts constitute evidence or create a presumption of transportation for compensation.

The provisions of this section shall not apply to persons transporting forest products, farm produce and products, livestock or farm supplies in motor vehicles, trailers or semitrailers licensed for not more than 18,000 pounds gross weight. (1958, c. 273)

Source: Virginia Motor Carrier Laws, Title 56, issued by the State Corporation Commission (Reprint from the Code of Virginia 1950 and the 1960 Cumulative Supplement), pages 7 and 8.

Washington

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | No |
| . Farm vehicle | Yes |

Chapter 81.80.040, Exempt vehicles.

The provisions of this chapter, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to:

* * *

(5). Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard or dairy products from point of production to market, or in the infrequent or seasonal transportation by one farmer for another in his immediate neighborhood of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard, or dairy;

Source: Laws, Rules and Regulations Governing Motor Freight Carriers Operating under Permit, Washington Public Service Commission, Effective Sept. 6, 1960, page 75.

West Virginia

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes (limited) |

2577(3). Exemptions - The provisions of this chapter, except where specifically otherwise provided, shall not apply to:

* * *

(3). Motor vehicles used exclusively in the transportation of agricultural or horticultural products, livestock, poultry, and dairy products from the farm or orchard on which they are raised or produced to markets, processing plants, packing houses, canneries, railway shipping points, and cold storage plants, and in the transportation of agricultural or horticultural supplies to such farms or orchards to be used thereon.

Source: West Virginia Code of 1961, Chapter 24A, Public Service Commission, Regulation of Motor Carriers of Passengers and Property For Hire.

Wisconsin

Exemptions:

- | | |
|----------------------------|---------------|
| . Cooperative association | No |
| . Agricultural commodities | Yes (limited) |
| . Farm vehicle | Yes (limited) |

Section 194.01. Definitions.

In this chapter, unless the context otherwise requires:

* * *

(5). "Common motor carrier" means any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle between fixed termini or over a regular route upon the public highways, passengers or property other than livestock, fluid milk or other farm products or farm supplies transported to or from farms. The transportation of passengers in taxicab service shall not be construed as being that of a common motor carrier.

Source: West's Wisconsin Statutes Annotated, Chapter 194, Motor Vehicle Transportation Act.

Wyoming

Exemptions:

- | | |
|----------------------------|-----|
| . Cooperative association | No |
| . Agricultural commodities | No |
| . Farm vehicle | Yes |

Section 37-134. Exemptions.-- This act shall not apply to. . . transportation in his own motor vehicle or combination of vehicles having an unladen

weight of less than ten thousand (10,000) pounds by any farmer or rancher, or the employee of said farmer or rancher exclusively in his service, transporting produce or commodities for his own use to and from his farm or ranch, nor to the exchange of transportation in their own motor vehicles, or combination of vehicles having an unladen weight of less than ten thousand (10,000) pounds by farmers or ranchers, or the employees of said farmers or ranchers exclusively in their service, when such exchange is between farmers or ranchers, or their employees, in the immediate community.

Source: Wyoming Statutes, Title 37, Public Utilities, Chapter 6, Motor Carriers.

